

### **REMARKS/ARGUMENTS**

Claims 15-19 have been withdrawn. Claim 20 has been added. Claims 1-14 and 20 are pending.

The Examiner rejected claims 1-8, 11, and 13 under 35 U.S.C. 103(a) as being unpatentable over Chu et al. (US 6,616,253 hereinafter Chu and admitted prior art (APA).

It would not be obvious to combine Chu and APA to obtain the invention as recited in claim 1. There is no expectation of success that the etch process of forming contact holes described in Chu would successfully be used in APA to form trenches after vias had already been formed, which avoids the faceting and formation of fences described in APA. Page 7, line 19, to page 8, line 7, of the current application describes how in a via first formation without a trench stop layer, corners at the top of the vias and bottom of the trenches are faceted, as shown in FIG. 11B with facets 1172. The Examiner failed to point out anything in Chu or APA that would teach or suggest that the process of Chu when applied to form a trench when vias are first formed would prevent such faceting. APA and Chu do not teach or suggest that Chu would prevent faceting at a bottom of a trench feature being etched by Chu.

In addition, the Examiner stated that Chu doesn't describe forming vias, but that the APA teaches forming contact holes. The applicants' agent contends that Chu fails to teach etching trenches but only teaches etching contact holes, which are vias. The last sentence of the abstract of Chu states that the process of Chu is for forming contact holes, which are vias, not trenches which are not contact holes. For at least these reasons, claim 1 is not made obvious by Chu and APA.

The Examiner rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Chu, admitted prior art, and Tang (US 6,211,092).

The Examiner rejected dependent claims 9-10 under 35 U.S.C. 103(a) as being unpatentable over Chu and admitted prior art, in further view of Bhardwaj et al. (US 6,051,503).

The Examiner rejected dependent claim 14 under 35 U.S.C. 103(a) as being unpatentable over Chu and admitted prior art, in further view of Hussein et al. (US 6,406,995).

Dependent claims 2-14 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For example, claim 9 further recites that the deposition step uses a mixture of CF<sub>4</sub> and H<sub>2</sub>. The Examiner cited Bhardwaj et al. as teaching the use of H<sub>2</sub> as a diluent. Col. 5, line 33, of Bhardwaj et al. teaches that H<sub>2</sub> is a diluent for H-C precursor, not CF<sub>4</sub>. Bhardwaj et al. teaches that the H-C precursors are for example CH<sub>4</sub>, C<sub>2</sub>H<sub>4</sub>, C<sub>3</sub>H<sub>6</sub>, C<sub>4</sub>H<sub>8</sub>, C<sub>2</sub>H<sub>2</sub> (col. 4, line 2, of Bhardwaj). Therefore, a gas of CF<sub>4</sub> and H<sub>2</sub> is not disclosed or made obvious.

In addition, claim 10 recites specific flow ratio ranges of CF<sub>4</sub> to H<sub>2</sub>. Nothing in the cited references discloses or makes obvious this recited range.

In addition, claim 12 further recites that the etch layer is a low k dielectric. Although Tang discloses an etch layer that is a low k dielectric, Tang does not remedy the above described deficiency of Chu. In addition, Tang requires a trench stop layer 16, FIG. 15, of Tang. Therefore, it would not be obvious to combine the teachings of Chu, Tang, and APA to obtain a process of etching trenches in a via first process, since there is nothing to suggest a probability of success.

In addition, claim 13 recites that the via holes are not filled with a sacrificial material prior to the start of the trench plasma etching process. The Examiner stated that Chu doesn't show a sacrificial filler material in the via holes prior to the start of the trench plasma process. The Examiner failed to point out anything in Chu that states that Chu shows via holes prior to the trench plasma process. As discussed above, Chu does not teach a trench plasma process; therefore, Chu could not teach not having a sacrificial filler material prior to the start of the trench plasma process. For at least these reasons, claims 2-14 are not anticipated or made obvious by the cited references.

The Examiner provisionally rejected claims 1-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-16, and 19 of copending Application No. 10/411,520 (now issued as U.S. Patent 6,916,746) in view of admitted prior art. A terminal disclaimer is attached.

The Examiner rejected claims 1-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent 6,833,325 in view of admitted prior art. A terminal disclaimer is attached.

Claim 20 has been added, and is described on page 22, lines 25-30, of the application.

The applicants' attorney affirms the election of claims 1-14.

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (831) 655-2300.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Michael Lee", with a long horizontal flourish extending to the right.

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